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June 21, 2013

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Hon. Andrew T. Baxter  
U.S. Magistrate Judge  
Federal Building and U.S. Courthouse  
P.O. Box 7396  
Syracuse, NY 13261-7396

**Re: UFP Atlantic Division, LLC v. Route 299 Retail Center, LLC, et al.  
Case No. 1:12-cv-053 MAD/ATB**

Dear Judge Baxter:

On behalf of UFP Atlantic Division, LLC (“UFP”), the plaintiff in the above action, I submit this status report in accordance with Your Honor’s order dated April 8, 2013.

Pursuant to the Court’s Judgment of Foreclosure and Sale, entered March 21, 2013, the public foreclosure sale was conducted by Referee Cloonan on June 5, 2013, following compliance with the statutory notice and publication provisions. No bidders appeared other than UFP, which bid \$1,000,000 for the mortgaged property. Accordingly, title will be transferred by Referee’s Deed to UFP.

Within 90 days of delivery of the Referee’s Deed, UFP may move for a deficiency judgment against the defendants. In addition, defendants Michael and Denise Barnett remain personally liable for any deficiency judgment, and for their alleged breach of the \$650,000 note, which is the subject of UFP’s fifth cause of action. UFP presently intends to prosecute these remaining claims against the defendants.

Thank you for your time and consideration.

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Respectfully Submitted,

ISEMAN, CUNNINGHAM, RIESTER & HYDE, LLP

A handwritten signature in black ink, appearing to read "Michael W. Deyo". The signature is fluid and cursive, with the first name "Michael" being the most prominent.

Michael W. Deyo (Bar Roll No. 516168)  
Attorneys for Plaintiff

cc: via ECF to all counsel